

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

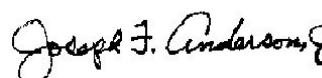
John Phillip McKinney, *pro se*) C/A No. 2:09-1353-JFA-RSC
)
)
 Plaintiff,)
v.)
)
)
Cpl. D. Johnson; Ofc. Pate; Cpl.)
Spencer; and Warden McKie,)
)
 Defendants.)
)
_____)

The plaintiff in this action failed to appear at pretrial conference that had been scheduled for October 13, 2010. The court was initially inclined to dismiss the case at that juncture, but out of an abundance of caution, the court issued an order and rule to show cause, requiring the plaintiff to show cause why he did not appear at the pretrial conference and specifically advised the plaintiff that his action would be dismissed if he did not respond. The rule was returnable on Friday, October 22, 2010.

The plaintiff did not appear at the hearing or otherwise correspond with the court. It thus appears that the plaintiff has clearly abandoned this action. For the foregoing reasons, this action is hereby dismissed, with prejudice, pursuant to Rule 41 of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

October 22, 2010
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge